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11 UNITED STATES DISTRICT COURT
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13 EASTERN DISTRICT OF CALIFORNIA
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16 UNITED STATES OF AMERICA,

17 Plaintiff,

18 vs.

19 IAN HOFFMANN,

20 Defendant.

Case No.: 2:21-cr-017 JAM

STIPULATION AND ORDER
REQUESTING TO SET STATUS
CONFERENCE FOLLOWING
REASSIGNMENT OF CASE

Date: July 27, 2021

Time: 9:30 a.m.

Court: Hon. John A. Mendez

21 Plaintiff United States of America by and through Assistant United States Attorney
22 Samuel Stefanki, and Attorney Todd Leras on behalf of Defendant Ian Hoffmann, stipulate as
23 follows:
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25 1. The parties request that this matter be set for a status conference before United States

26 District Court Judge John A. Mendez on July 27, 2021, at 9:30 a.m. The parties

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1 further request that the time between May 20, 2021 and July 27, 2021 be excluded for
2 attorney preparation as previously requested in a stipulation between the parties filed
3 on May 11, 2021 (ECF Entry 71). This request follows an order reassigning the
4 matter from United States District Court Judge Morrison C. England, Jr., to United
5 States District Judge John A. Mendez.
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7 2. This case involves nation-wide distribution of controlled substances through a portion
8 of the internet known as the dark web. The prosecutor first assigned to the matter
9 negotiated a potential disposition of the case prior to his departure for private practice
10 in March 2021. The proposed plea agreement expressly allows the defense to offer
11 sentencing mitigation information pursuant to the factors set out in 18 U.S.C. §
12 3553(a). The defense continues to engage in investigation of such sentencing
13 mitigation information. Those efforts have been hampered due to the continuing
14 public health crisis resulting from the virus designated as COVID-19.
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16 3. Federal and state directives seeking to slow spread of the virus presently remain in
17 place. These directives now appear to be easing, but they nevertheless continue to
18 impede the defense's ability to complete mitigation investigation. Defendant
19 Hoffmann therefore requests to continue this matter to July 27, 2021.
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21 4. The Chief Judge for the Eastern District of California has issued a series of General
22 Orders (612, 617, 618, 620, 624, 628, and 630) restricting access to federal
23 courthouses within the district since March 18, 2020. The most recent of these
24 orders, General Order 630, issued on April 2, 2021, extended the courthouse
25 restrictions for up to an additional 90-days from the issuance date – or for as long as
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- up to approximately July 1, 2021.
5. Given the ongoing defense investigation, Defendant Hoffmann requests to continue the status conference in this matter to July 27, 2021, at 9:30 a.m., and to exclude time between May 20, 2021 and July 27, 2021, inclusive, under Local Code T-4. The United States does not oppose this request.
6. Defendant Ian Hoffmann was charged by Criminal Complaint, filed on May 12, 2019, with Conspiracy to Commit Controlled Substance Offenses in violation of Title 21, United States Code, Sections 841 and 846. (ECF Entry 1). The parties stipulated to continuance of the preliminary hearing in this matter on several occasions as they negotiated potential resolution of the matter.
7. On January 29, 2021, Defendant Hoffmann appeared via videoconference before United Magistrate Judge Carolyn K. Delaney for arraignment on an Information and filing of a Waiver of Indictment (ECF Entries 64, 66). The matter was set for an initial status conference before Senior United States District Court Judge Morrison C. England, Jr., on March 25, 2021. (ECF Entry 64).
8. The parties stipulated to continuance of the status conference for this matter, including an exclusion of time for defense counsel's preparation, from March 25, 2021 to May 20, 2021. (ECF Entries 68, 69). On March 22, 2021, Assistant U.S. Attorney Grant Rabenn was terminated as counsel of record for the government. Assistant U.S. Attorney Sameul Stefanki was thereafter designated as counsel for the government in this matter. (ECF Entry 70).
9. On May 11, 2021, the parties filed a stipulation requesting to continue the status

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1 conference set before Judge England (the “Stipulation”) from May 20, 2021 to July
2 29, 2021. (ECF Entry 71). The government thereafter filed a “Notice of Related
3 Cases (ECF Entry 72)” requesting that this matter be assigned to the same district
4 judge as the matter of *United States v. Stuckey*, Case No. 2:20-cr-044 JAM, a closely
5 related matter which had been charged as part of the same conspiracy alleged in the
6 Criminal Complaint.
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8 10. United States District Judge John A. Mendez signed an Order reassigning the
9 Hoffmann matter to his court and vacating any dates currently set. (ECF Entry 73).
10 The Stipulation (ECF Entry 71), including the request for exclusion of time, was not
11 adopted as an order during the intervening period between the filing of the Stipulation
12 and the granting of the Order reassigning this matter to Judge Mendez. This
13 stipulation requests to set the matter for a status conference before Judge Mendez and
14 to clarify that the requested exclusion of time encompasses the period of time from
15 May 20, 2021 to July 27, 2021.
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18 11. For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161, *et*
19 *seq.*, within which trial must commence, the time period of May 20, 2021 to July 29,
20 2021, inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), and (B)
21 (iv) [Local Code T-4] because it results from a continuance granted by the Court at
22 Defendant Hoffmann’s request on the basis that the ends of justice served by taking
23 such action outweigh the best interest of the public and the Defendant in a speedy
24 trial.
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1 12. Nothing in this stipulation and order shall preclude a finding that other provisions of
2 the Speedy Trial Act dictate that additional time periods are excludable from the
3 period within which a trial must commence.
4

5 Assistant U.S. Attorney Samuel Stefanki has reviewed this proposed order and authorized
6 Todd Leras via email to sign it on his behalf.

7 DATED: May 21, 2021

PHILLIP A. TALBERT
Acting United States Attorney

8
9 By /s/ Todd D. Leras for
SAMUEL E. STEFANKI
Assistant United States Attorney

10 DATED: May 21, 2021

11 By /s/ Todd D. Leras
12 TODD D. LERAS
13 Attorney for Defendant
14 IAN HOFFMANN
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1 **ORDER**

2 BASED ON THE REPRESENTATIONS AND STIPULATION OF THE PARTIES, it is
3 hereby ordered that a status conference be set in this matter on July 27, 2021, at 9:30 a.m., before
4 the Honorable John A. Mendez. This Order follows reassignment of this case from Senior
5 United States District Judge Morrison C. England, Jr. All previous status conference dates have
6 been vacated. The Court further finds, based on the representations of the parties and Defendant
7 Hoffmann's request, that the ends of justice served by granting the continuance outweigh the
8 best interests of the public and the Defendant in a speedy trial. Time shall be excluded under the
9 Speedy Trial Act, 18 U.S.C. § 3161(h)(7)(B)(iv) and Local Code T-4, to allow necessary
10 attorney preparation taking into consideration the exercise of due diligence for the period from
11 May 20, 2021, up to and including July 27, 2021.
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14 IT IS SO ORDERED.
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17 DATED: May 21, 2021

/s/ John A. Mendez

18 THE HONORABLE JOHN A. MENDEZ
19 UNITED STATES DISTRICT COURT JUDGE
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